

ISSUES FOR THE LESC 2006 INTERIM WORKPLAN

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ISSUES FOR THE LESC 2006 INTERIM WORKPLAN

This document provides brief overviews of the issues being considered for inclusion in the workplan of the Legislative Education Study Committee (LESC) for the 2006 interim.

ASSESSMENT AND ACCOUNTABILITY

Adequate Yearly Progress of New Mexico Schools – School year 2005-2006 represents the third year of implementation of comprehensive school reforms enacted in 2003 and the fourth year of the federal *No Child Left Behind Act of 2001* (NCLB). Both state and federal statutes require the Public Education Department (PED) to adopt a methodology for calculating adequate yearly progress (AYP) for whole groups and demographic subgroups at each public school and school district, based primarily on a system of assessments for grades 3 through 8 and grade 11 that is aligned with state academic standards. Under federal law, making AYP means reaching a progression of ever-higher annual goals established by PED for the percentage of students who demonstrate grade-level proficiency on the assessments, culminating in a goal of 100 percent of students proficient in required subjects by school year 2013-2014. The US Department of Education requires the state to identify schools that have not made AYP before the start of the next school year so that parents can make informed decisions about their children's education.

In 2006, for the first time since the passage of the school reform legislation, PED will be able to report results from the state standards-based assessments that can be compared to results from the same tests at the same grade levels as the previous year to provide a measure of student improvement. A presentation by PED on school AYP designations could include a review of PED's methodology for determining AYP; a report on attainment of AYP in school year 2005-2006 by groups and subgroups at the state, district, and school levels; comparisons with performance in 2004-2005; and an analysis of the state's progress in using its assessment and accountability system to improve achievement for all students.

New Mexico Assessment Program Test Development – In response to both the Legislature's initiatives to improve educational accountability and the federal NCLB, state law was amended in 2003 to require the use of criterion-referenced tests (which measure each student's proficiency relative to state academic standards) instead of norm-referenced tests (which measure students relative to one another) as the primary determinant of student achievement. Both state and federal funding has been provided for the development of the assessments. To date, the English and Spanish versions of New Mexico's standards-based assessments have been developed and fully implemented in grades 3 through 9 in reading, writing/language arts, mathematics, and science. Also implemented are the grade 11 reading and mathematics tests in English only. Assessments scheduled to be field-tested during school year 2005-2006 (and fully implemented in school year 2006-2007) are the grade 11 tests in language arts and social

studies, as well as the Spanish version of the grade 11 reading and mathematics tests. The grade 11 science test is scheduled to be field-tested in school year 2006-2007 and fully implemented in school year 2007-2008.

A presentation could include a progress report on the development and implementation of New Mexico's standards-based assessments (including development of a modified assessment for the federal flexibility regulation for students with disabilities), a report on the feasibility of replacing the New Mexico High School Competency Exam (not aligned to state content standards) with the grade 11 standards-based assessment, an update on the request for proposal (RFP) issued in 2005 for new testing contracts, and the funding from state and federal sources for test development. The presentation might also address a growing concern among school personnel and parents about the amount of class time spent on assessment.

Class Load Reports – According to current law, PED is required to report annually to the LESC regarding each school district's ability to meet class load requirements. During the 2005 interim, the LESC received from PED a report on the 40th day class overloads for school year 2005-2006. The committee requested that PED provide the 80th day class overload data for school year 2005-2006 and provide additional information on the waiver process, including the criteria used to determine waivers, who grants the waivers, and when the waivers are issued. The presentation could include a description of the class overload requirements, the PED report on the 80th day class overload data for school year 2005-2006, a review of the waiver process, and an explanation of the ways that the Student Teacher Accountability Reporting System (scheduled for implementation in July 2006) will improve the data collection needed to assess class overloads accurately.

Data Warehouse Progress Report/Shared Student Data System, HM 42 – During the 2004 interim, the committee heard a report of the Performance Accountability Data Systems Projects, an initiative of the Legislative Finance Committee (LFC) conducted in collaboration with staff from the LESC, PED, and the Office of Education Accountability (OEA). In response to a recommendation of this work group, the Legislature has appropriated over \$8.6 million to develop and implement a data warehouse at PED to resolve data collection and dissemination problems identified by the work group.

A progress report on the implementation of the data warehouse could include a presentation on the costs and a preview of the capabilities of the PED system in interfacing student ID, assessment, teacher, human resources, and finance data. The presentation could also include a report on HM 42 (2005), *Establish Shared Student Data*, requesting the Higher Education Department (HED), PED, the Children, Youth and Families Department (CYFD), and the Office of Workforce Training and Development to establish common shared student data systems from pre-kindergarten to postsecondary levels of education and to provide a report on their efforts to the Governor and the Legislature by November 1, 2007.

Required Reporting of School Employee Misconduct – During the 2003 interim, the LESC heard testimony from the School Safety Task Force in response to three memorials from 2003 to examine and enhance public school safety. One of the points raised in this testimony was PED's concern over the practice of some school districts of either discharging or accepting the resignation of an employee accused of certain offenses, like sexually molesting a student, and then agreeing with the employee not to report the allegations either to PED or another employer. Although the presumption of innocence is an important legal premise, PED testified in 2003, if an incident is serious enough for an employee to resign or be fired, the department or a prospective employer should be made aware.

The 2006 Legislature considered but did not pass a bill (SB 473) that, as amended, would have required a local school district superintendent or charter school administrator to conduct an investigation of alleged ethical misconduct by an employee and, if wrongdoing is found, to report to PED on forms provided by the department the identity and circumstances of a licensed school employee who leaves employment because of ethical misconduct. Although the bill failed, legislative interest in the issue continues, as does the vulnerability of New Mexico's school children to potentially harmful school employees whose access to children might have been prevented.

The presentation could review the history of the issue; update the concerns, as needed and as applicable; identify some of the questions that might arise; and examine related provisions already in statute or agency rule.

School Improvement Framework – During the 2005 interim, the LESC heard a presentation on the LFC's audit of the school improvement framework developed by PED to assist those schools in need of improvement. Among other points, the audit examined the effectiveness of that framework in raising student performance and closing the achievement gap. The testimony in 2005 also noted that, based upon data from school year 2004-2005, a total of 429 public schools in New Mexico had failed to make AYP and that 238 of those schools had received designations as schools in the school improvement cycle. By August 1, 2006, PED plans to release the rankings for school year 2005-2006.

The 2006 Legislature appropriated nearly \$8.4 million to support PED's school improvement efforts: \$6.0 million in nonrecurring funds for the school improvement framework itself and almost \$2.4 million for the Schools in Need of Improvement Fund. The Legislature created this fund in 2003 to assist public schools in need of improvement but did not fund it until 2006 because of PED's position that federal funds would be available each year to meet those needs.

The presentation for 2006 could review the current school improvement framework as administered by the new assistant secretary, explain the uses of the funds appropriated for FY 07 (including any federal funds), illustrate the results of the efforts to assist schools in the school improvement cycle (especially the priority schools), review PED's implementation of selected recommendations of the LFC audit, and examine the restructuring of schools that have reached that ultimate point in the school improvement cycle.

State Action for Educational Leadership Project – During the 2005 interim the LESC heard a report regarding the start-up of the State Action for Educational Leadership Project, an initiative designed to ensure that educational leaders at all levels, from state agencies to school sites and from preschool to higher education, have the skills, support, resources, and authority necessary to use accountability data successfully to improve educational outcomes for all students. The project was funded in January 2005 by a one-year \$1.2 million grant (renewable for up to two additional years) from the Wallace Foundation, a national philanthropic entity that has placed a priority on strengthening educational leadership. A presentation could include a review of the project's goals and a progress report from one or more of the partners, which include PED, the OEA, and six demonstration school districts, each of which has tailored its participation in the project to address its particular needs in the area of effective use of accountability data.

State Assessments and NAEP: Disparity in Test Results – With certain exceptions, the federal NCLB requires public school students to take two tests: a state-selected criterion-referenced test (CRT) and the norm-referenced National Assessment of Educational Progress (NAEP). The first is designed to measure student performance in math, reading, and science relative to state academic standards; and it is used to determine not only how students are performing but also which schools and school districts are making AYP, another requirement of NCLB. The second is designed to provide state-, regional-, and national-level results; and it is used to compare student achievement in states and other jurisdictions and to track changes in the achievement of fourth-, eighth- and twelfth-graders over time in math, reading, writing, science, and a number of other subjects – although the only federally required assessments are in reading and math at grades 4 and 8, in selected schools.

Although these two tests serve different purposes and although they are administered under different circumstances, their results are often compared because both tests assess similar populations in some of the same subjects and because they both report student achievement levels. Recently, policymakers have become concerned about a wide discrepancy in some states between the percentage of students who are rated proficient on a state's CRT and the percentage of students who score at the proficiency level on the NAEP. In the high-stakes testing environment of NCLB, in which schools are subjected to a series of sanctions if they are deemed "in need of improvement" and in which federal dollars are at stake, this discrepancy in test results may create confusion over the different results, it may raise questions about the validity of the state CRT, and it may tend to discourage states from setting appropriate standards for their own assessments.

The presentation could include a review of the fundamental differences between the two tests, an examination of any significant discrepancies between proficiency levels among New Mexico students on the state CRT and the NAEP, a discussion of possible reasons for any discrepancies, and a comparison of New Mexico's NAEP scores with those of other states with similar demographics.

Three-tiered Teacher Licensure Evaluation System – Enacted in 2003

as part of broad education reform legislation and fully implemented in July 2004, the three-tiered teacher licensure evaluation system was intended, among other purposes, to increase student achievement by recruiting and retaining high-quality teachers. In brief, the licensure framework is “a progressive career system” that connects increased compensation with increased competencies and duties. It is also a means of weeding out ineffective teachers, either by withholding a renewable Level 2 license from a Level 1 teacher who has failed to demonstrate satisfactory progress and competence or by allowing a school district, if required interventions are unsuccessful, not to renew the classroom teaching contract of a Level 2 or Level 3 teacher who “fails to demonstrate essential competency.” In its definition of teacher quality, PED considers the three-tiered teacher evaluation system as a balance between evaluating teachers based solely on student outcomes (as a merit pay system might) and evaluating teachers based solely on their content knowledge (as NCLB tends to do). The premise is that “[h]igh quality classroom practice by teachers results in student success.”

The presentation could focus upon the extent to which the three-tiered licensure evaluation system has increased student achievement and any recommendations for increasing student achievement further; describe the models for collecting student achievement data that PED has provided; include an account of the passing rate of Level 1 and Level 2 teachers submitting professional development dossiers and the number of teachers, if any, removed from the profession as a result of the three-tiered evaluation system; and review PED’s use of the several legislative appropriations to train personnel and to implement the evaluation system.

CHARTER SCHOOLS

Implementation of PED’s Charter Schools Division – The 2006 Legislature enacted substantial changes in the state charter school legislation. Central to the numerous amendments are the designation of the Public Education Commission (PEC) as an additional chartering authority (along with local school boards) and the creation of the Charter Schools Division in PED. Among its changes, the new law assigns certain duties to PED’s Charter Schools Division, among them providing staff support to the PEC and technical support to all charter schools and reviewing and approving state-chartered charter school budget matters. The new law also amends the *Public School Finance Act* to require state-chartered schools to be their own boards of finance. Finally, in addition to enacting these amendments, the 2006 Legislature included in the FY 07 appropriation to PED \$500,000 for charter school authority.

Although none of the amendments to statute go into effect until July 1, 2007, the impact of the amendments upon PED is substantial, and the department must begin planning for the new duties well in advance of the effective date of the law. Therefore, the presentation could review the major amendments, focusing on those affecting PED and the PEC; explain what steps the department has taken to implement the provisions on their effective date, with particular attention to the interaction between PED and the PEC;

and account for PED's use of the \$500,000 appropriation. The presentation could also note any other charter school issues that might affect the implementation of the amended laws.

PSCOOTF Study of Charter School Facilities and Transportation – In addition to the amendments noted above, the new charter school legislation makes state-chartered charter schools eligible for transportation distributions and includes them in the system for use of contractor-owned buses; and it amends the *Public School Capital Outlay Act* to define state-chartered charter schools as school districts for purposes of capital outlay. While these amendments, like those noted above, do not become effective until July 1, 2007, another provision becomes effective on May 17, 2006.

This temporary provision requires the Public School Capital Outlay Oversight Task Force (PSCOOTF), in consultation with the Public School Capital Outlay Council, PED, and the Public School Facilities Authority, to study the provisions in statute governing the funding of charter school capital outlay facilities, transportation costs, and other capital outlay issues concerning charter schools and to report to the LESC, the LFC, and the Governor by November 1, 2006. If this study produces recommendations that the LESC adopts and that require legislation, the committee must be ready with amendments for the 2007 session before the law as currently drafted goes into effect on July 1, 2007.

The presentation could feature the required report from the PSCOOTF, including an account of the creation, membership, and activities of the work group as well as the findings and recommendations of the study. The presentation could also include a review of any other charter school issues or developments that may be pertinent to the study.

EARLY CHILDHOOD EDUCATION

Albuquerque Reads: A Community-based Literacy Program – In his 1997 State of the Union address, former President Bill Clinton announced the America Reads initiative “to build a citizen army of one million volunteer tutors to make sure every child can read independently by the end of the third grade.” Recognizing that the ability to read is essential to every child's future, the LESC has heard presentations on early literacy during every interim since 2001 and sponsored successful legislation to fund early literacy and to require improved training of teachers in reading instruction.

The America Reads program has served as the model for many similar programs across the nation, including Albuquerque Reads, which was begun in 2003 as a partnership between the Greater Albuquerque Chamber of Commerce and the Albuquerque Public Schools (APS).

The presentation could include a description of the Albuquerque Reads curriculum, an evaluation of the efficacy of the program, and an update on the efforts of APS to expand the program to other district elementary schools.

Kindergarten Plus Evaluation Report – The 2003 Legislature enacted Kindergarten Plus as a three-year pilot project to be conducted in “high-poverty schools” in four school districts to study the efficacy of extended kindergarten for disadvantaged students. In three of the districts, the programs added time to the kindergarten year; in the fourth, the program took the form of pre-kindergarten for four-year-old children.

With the initial three-year pilot project period coming to an end, the 2006 Legislature passed LESC-endorsed legislation to extend the pilot project for another six years; to allow the four original pilot school districts to expand their programs by adding additional classes or schools or both; and to allow any other school district with high-poverty schools to apply for Kindergarten Plus funding. An appropriation of \$1.0 million will support the extension and expansion of the project. Additionally, still in the statute are the requirements that PED establish reporting and evaluation requirements for participating schools and provide interim and final reports each year to the Legislature and to the Governor on the efficacy of the pilot project.

The presentation could include an account of the results of the amendments to the statute, including expansion of the program, and the findings of the latest evaluation, presumably to be conducted by OEA, the agency that has evaluated the program each year thus far.

New Mexico PreK Program – Endorsed by the LESC and enacted in 2005, the *Pre-Kindergarten Act* establishes a voluntary program of pre-kindergarten services for four-year-old children offered by public schools, tribes or pueblos, Head Start centers, and licensed private providers. Known as New Mexico PreK, the program is administered jointly by CYFD and PED. The *Pre-Kindergarten Act* requires CYFD and PED to report annually to the Governor and to the Legislature on the progress of the program. The LESC could hear testimony on the program over the course of these three presentations:

- A pre-kindergarten progress report could consist of a review of the FY 06 program, including the number of individual programs approved, the total number of students served, and the actual program expenditures to date; an update on the issuance of and responses to the FY 07 request for proposals for New Mexico PreK; and a review of the approved FY 07 New Mexico PreK budget, as well as expansion of the program.
- A second presentation could address the implementation of New Mexico PreK in school year 2006-2007 and the cost estimate for FY 08. In part, this presentation could serve as a response to the Legislature’s intent to hear information about the implementation of the program, as expressed in language that the Governor vetoed in the *General Appropriation Act of 2006*. Thus, the presentation could include the number and characteristics of students enrolled in the program for school year 2006-2007; any evidence of student progress to date; expenditures to date from the \$9.5 million that the 2006 Legislature appropriated, including those incurred by each department, those directly attributable to approved programs, and those associated with the provision of transportation and instructional materials; the qualifications of teachers and providers currently working in

approved programs; and future plans for maintaining and/or expanding New Mexico PreK. Finally, this presentation could also include the departments' cost estimates for continuing the program in FY 08.

- The third presentation could address the external evaluation report of New Mexico PreK, funded by \$180,000 of the \$4.95 million appropriated by the 2005 Legislature for the pre-kindergarten program. Topics covered in this presentation could include the requests for proposals issued by OEA in June 2005, the components of the evaluation itself, and reports from the two consultants selected through the RFP process – the National Institute for Early Education Research, located at Rutgers University, and the Early Intervention Research Institute, at Utah State University – about the efficacy and the actual cost of New Mexico PreK.

INDIAN EDUCATION

Indian Education Act: Audit Report and Progress Report – In 2003, the Legislature passed the *Indian Education Act* as a means to address the unique cultural and educational needs of Native American students in New Mexico. In 2004, as part of its reorganization, PED established the Office of the Assistant Secretary for Indian Education to direct the Indian Education Program. Since its inception, the Legislature has appropriated a total of \$9.5 million to the Indian Education Fund for implementation of the act. For FY 07, the Legislature directed some of the \$2.5 million appropriation to be used for two purposes: “a comprehensive study on the status of Indian education in New Mexico” and \$1.0 million to provide “a rural literacy initiative to support new after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students, contingent on receipt of five hundred thousand dollars (\$500,000) in matching funds from sources other than the state.”

During the 2005 interim, the LESC heard a report from PED on the progress of the implementation of the act. Committee members raised a number of questions and concerns regarding this issue, particularly the timely expenditure of legislative appropriations. In March 2006, the LFC conducted an audit on whether the Indian Education Fund is being utilized appropriately to address the Native American achievement gap. The presentation could include a report on the LFC audit; PED's corrective action plan in response to the LFC audit, as well as progress on the status study; a report on the rural literacy initiative; and the required annual report from PED on the activities of the Indian Education Division, with an emphasis on the status of the Northwest Regional Center and expenditure of funds from the Indian Education Fund.

Elevate Standing of Indian Education Division, HM 3 – HM 3 (2005) requests that PED analyze means of elevating the status of the Indian Education Division and that the Secretary of Education and the Assistant Secretary of Indian Education prepare and issue a joint report to the Legislative Indian Affairs Committee on ways that the authority,

funding, scope, staffing, and responsibilities of the Indian Education Division can be enhanced. During the 2005 interim, the LESC was scheduled to receive a written report from PED on HM 3, which is still pending.

P-20 AND HIGHER EDUCATION

Children’s Cabinet: Progress Report – The 2005 Legislature enacted legislation that gave statutory authorization to the Children’s Cabinet, an entity that had been created through executive order. The fundamental duty of the Children’s Cabinet is to study and make recommendations for the design of a coordinated system to maximize outcomes among children and youth under age 21, particularly those in disadvantaged situations, in certain prescribed areas. Administratively attached to the Office of the Governor, the Children’s Cabinet consists of 13 members: the Governor, the Lieutenant Governor, and 11 cabinet secretaries. The act requires that, each year, either the Governor or the Lieutenant Governor be selected as chairperson. It also requires the cabinet to meet at least six times per year and, at least twice each year, to meet with designated constituencies – among them the LESC, parents, children, youth, educators, and public schools – who may assist in the design or implementation of the coordinated system that the act requires.

In addition, by September 1 of each year the Children’s Cabinet must report and make recommendations to the Governor and the Legislature, including a child and youth report card about the status and well-being of children and youth and a child and youth policy and inventory budget identifying state programs and initiatives that affect the well-being of children and youth. The presentation could include not only this report but also a review of the meetings and other activities conducted by the cabinet, a description of the coordinated system that the Children’s Cabinet has created, and an explanation of the difference, if any, in effectiveness and efficiency of the Children’s Cabinet since its authorization in statute.

The Condition of Higher Education in New Mexico: HED Annual Report – Current statute requires HED to submit an annual accountability report containing the following information for every public postsecondary institution in the state to the Governor and to the Legislature by December 31: student progress and success; student access and diversity; affordability and cost of educational services; and public and community service by the institutions. Statute further specifies that HED “shall make no funding recommendation, capital outlay recommendation, distribution or certification on behalf of any public post-secondary educational institution” that has not submitted the required information.

The presentation could include a review of the report for academic year 2005-2006 and a discussion of how the data will be used to improve postsecondary education in New Mexico.

HED Articulation and Transfer of Credits: Annual Report – Since its enactment in 1995, the *Post-secondary Education Articulation Act* has required HED to report annually prior to December 31 to the LFC, the LESC, and the Governor regarding the status of articulation programs and the transfer of students between institutions. The report must include an analysis of the number of students transferring between campuses, the number of credits being requested and accepted for transfer, institutions denying transfer of credits and reasons for denial, the progress of transfer students at receiving institutions, and a summary of student complaints regarding articulation. In 2005, legislation endorsed by the LESC amended the act to mandate the establishment of a common course name and numbering system. The legislation also amended reporting requirements to include the average number of credit hours earned by graduating transfer students compared to the average number earned by graduates who originated at the institution. The report must now also look at outcomes with regard to such factors as transfer rates, persistence rates after transfer, and graduation rates.

A presentation from HED on articulation and transfer of credits could include the items required in statute, as well as an update on the implementation of the common course naming and numbering system.

HED/PED Joint Task Force on High School/College Alignment: Progress Report – In 2003, concern over the high rate of remedial coursework taken by college freshmen from New Mexico high schools prompted the LESC to endorse legislation that was enacted to require PED and the Commission on Higher Education (CHE, now HED) to collaborate to align high school curricula and end-of-course tests with the placement tests administered by two- and four-year public educational institutions in New Mexico. Because of its interest in seeing this alignment occur, in 2004 the LESC requested that the Secretary of Higher Education take responsibility for this issue. Subsequently, HED, together with PED, created a joint task force to recommend a plan for achieving the mandate in the 2003 legislation; and this joint task force established a June 2006 deadline to report its recommendations to the LESC.

A presentation from the task force could include the actions recommended for the 2007 legislative session to achieve alignment of high school curricula and end-of-course tests with college placement tests, as well as a proposed timeline for achieving that alignment.

Higher Education Data-gathering Procedures – Beginning in 2001, reflecting legislative concern over factors supporting or impeding student success from pre-school through higher education, the LESC has examined various aspects of the P-20 system and in that context has heard testimony regarding the low percentage of New Mexico students who persist to a college degree. In order to have a clear understanding of the strengths and weaknesses of New Mexico's postsecondary education system and to measure progress toward the policy goals that it sets, the Legislature has mandated that HED collect and analyze data and present the data to the Legislature for decision making, in particular for funding decisions. Current law requires HED to gather data from all public postsecondary educational institutions in New Mexico that track a wide range of indicators bearing on the efficiency and effectiveness of the system.

A presentation on higher education data-gathering and reporting procedures could include a description by HED of the data it gathers, how it has analyzed the data to understand factors affecting student success, and how HED intends to use data to award performance incentives to institutions; presentations by representatives of two-year and four-year institutions regarding their data-gathering and reporting procedures; and a discussion of how educational data systems might be improved.

New Mexico First Town Hall on Higher Education – National data indicate that New Mexico ranks eighth in the nation in the amount of higher education funds that the state and local governments provide per full-time equivalent (FTE) college student annually; yet, according to census data, the state's P-20 education system is the least productive in the nation when measured by the number of ninth-grade students who graduate from college within 150 percent of the time expected with either an associate or a bachelor's degree. Since economic forecasters agree that an increasing proportion of future jobs will require some amount of postsecondary education, the future economic health of the state depends on increasing the success of New Mexico students in higher education.

New Mexico First, a nonprofit, nonpartisan organization led by a statewide board of business and civic leaders, held a "town hall" on higher education on April 20-22, 2006 in Santa Fe to build consensus on visions and strategies for strengthening the state's higher education system to better prepare students for the careers of the future. A presentation to the LESC regarding the New Mexico First Town Hall on Higher Education could include a discussion of the consensus recommendations that emerged from the three-day symposium.

New Mexico High School Graduates Needing Remedial Classes in Higher Education – In FY 06, at the request of the secretaries of Public Education and Higher Education, OEA undertook a study to quantify and determine patterns in the remedial courses taken by graduates of New Mexico high schools enrolled at public two- and four-year institutions of higher education. OEA identified approximately 35,650 high school graduates or general educational development certificate recipients who began college in the fall semesters from 2000 through 2004; traced their high schools of origin; and tallied the number and types of remedial courses they enrolled in, if any. The preliminary findings from analysis of this database were released on April 17, 2006.

A presentation by OEA regarding the study could include a description of its methodology, a report of preliminary findings and conclusions, identification of additional information or outcomes that can be measured from this baseline group, and a discussion of any challenges that may have been encountered in the course of the study to date.

Organization of HED: Recommendations for Amending the *Higher Education Department Act* – The 2005 Legislature enacted the *Higher Education Department Act* in order "to establish a single, unified department to administer laws and exercise functions formerly administered and exercised by the commission on higher education." The act creates the Higher Education Department (HED) as a cabinet department, headed by a

secretary of higher education, who is appointed by the Governor with the consent of the Senate; and it creates the 14-member Higher Education Advisory Board, appointed by the Secretary and administratively attached to the department.

The *Higher Education Department Act* requires the Secretary to organize the department “so that bureaus and divisions exist to focus on the needs of and for the diverse categories of postsecondary institutions, including two-year institutions, four-year institutions, research institutions and institutions with academic medical centers.” In addition, the act contains language requiring the Secretary of Higher Education to make recommendations to the 2006 Legislature regarding how the organization of HED should be reflected in statute: “The secretary shall make recommendations to the second session of the forty-seventh legislature on the statutory organization of the department.” However, the 2006 Legislature received no such recommendations.

The presentation could include an update regarding HED’s current organizational structure; an explanation of whether that structure has proved functional; and, as required by the *Higher Education Department Act*, any recommendations the Secretary of Higher Education has regarding the statutory organization of the department.

Tenure Policies of New Mexico’s Public Postsecondary Institutions: HED Report – SJM 20, *Study Higher Education Tenure Policies*, was introduced during the 2006 legislative session on behalf of the LESC; however, it did not pass. Had it passed, SJM 20 would have requested that HED, in collaboration with New Mexico’s public postsecondary institutions, study the policies of those institutions regarding the granting of tenure; examine the current composition of tenured faculty, including gender and ethnicity demographics; and report the findings and recommendations of the study to the LESC by September 2006.

The presentation could include a report by HED on current tenure policies for permanent and adjunct faculty members, along with recommendations of any policy changes that might be required to ensure that those policies encourage and support institutional efforts to recruit and retain well-qualified faculty that reflect the gender and ethnicity distribution of the state as a whole.

PUBLIC SCHOOL CAPITAL OUTLAY

7th Grade Laptop Initiative: LFC Review – Between FY 04 and FY 06, the Legislature appropriated a total of \$6.7 million to PED to support a laptop learning initiative in public middle schools. The PED states that it has used these funds to distribute approximately 5,000 laptops to 7th grade students and teachers in 27 New Mexico school districts. For FY 07, the Legislature appropriated an additional \$2.0 million for this initiative. In March 2006, the LFC released a quick response review of the laptop learning initiative based on interviews with key personnel, examination of documents, analysis of data provided by PED, and visits to five selected school districts to verify laptop inventories and observe the integration of technology into the academic curriculum.

Among other findings in the review, LFC staff found that, because the appropriation language has not specifically authorized funds for program assessment and evaluation, PED has not established a mechanism to gather baseline data or evaluate the effectiveness of the program. The review further states that the qualifying criteria PED uses for funding determinations do not focus on expected outcomes, student achievement, or methods for incorporating technology into the curriculum. The review also identifies issues with implementation, infrastructure, and curriculum support. The presentation could include a summary of key findings and recommendations in the LFC review; a response from PED staff; and a presentation regarding the implementation of the initiative at one or more of the participating schools.

Educational Technology Infrastructure Deficiencies and Replacement of Equipment

– In the 2005 interim, the committee heard a report on the progress of PED and the Council on Technology in Education (CTE) in developing and implementing a standards-based process for funding educational technology needs based on the provisions of LESC-endorsed legislation enacted in 2005 for correcting deficiencies in educational technology. In 2006, the LESC endorsed legislation that included the recommendations of the PSCOOTF to appropriate approximately \$94.3 million to address educational technology infrastructure deficiencies and \$24.2 million to replace obsolete computer and network devices; however, the bill did not pass.

The presentation could include a review of the activities of PED and CTE that were not completed prior to the 2006 legislative session, including an updated cost projection based on the completion of the review of educational technology infrastructure needs in public schools statewide and a report on the use of computers for instructional purposes.

PSCOOTF Annual Report and Recommendations – In 2005, the Legislature amended the *Public School Capital Outlay Act* to establish the PSCOOTF to monitor the overall progress of bringing all public schools up to the statewide adequacy standards established by the Public School Capital Outlay Council (PSCOC); to monitor the progress and effectiveness of the state’s public school capital outlay program; to monitor the existing permanent revenue streams to ensure that they continue to provide adequate funding; and to oversee the work of the PSCOC and the Public School Facilities Authority.

As required in law, the PSCOOTF must report the results of its analyses and oversight, as well as any recommendations, to the Governor and the Legislature prior to the beginning of each legislative session. The annual presentation to the LESC helps fulfill this requirement.

Public School Capital Outlay Awards: Annual Report – As provided in the *Public School Capital Outlay Act*, the PSCOC determines grant awards for all school districts through a standards-based process. The act also requires the PSCOC to report to the LESC, the LFC, the Legislature, the Governor, and the PEC by December 15 of each year on its activities from the previous year, including projects funded and the criteria used to prioritize them. At the October meeting, the PSCOC Chairperson could discuss the FY 07 grant awards under the standards-based process, including the awards for the local share advance program for “qualified high priority projects” (enacted in 2006) and the awards for the lease payment assistance program.

PUBLIC SCHOOL FUNDING

Due Process Hearings under IDEA – Both the federal *Individuals with Disabilities Education Improvement Act* (IDEA) and state law provide a number of recourses for parents of a special needs child who disagree with provisions of the Individualized Education Program or with some other determination of a school district related to special education services for the child. One of these recourses is a request for a due process hearing, an issue that has attracted considerable legislative interest.

Because of recent increases in both the cost and the frequency of these due process hearings, the 2005 Legislature considered but did not pass two measures related to the issue: one would have capped the fees that hearing officers receive and the other would have requested a study of methods to make due process hearings more efficient and less costly in general. Partly in response to these measures, the LESC heard extensive testimony during the 2005 interim on IDEA-related due process hearings. In response to a request from the LESC, the New Mexico Public School Insurance Authority (NMPSIA) suggested alternatives to the current arrangement; and, during the 2006 session, the LESC endorsed a memorial requesting NMPSIA, in collaboration with PED and school districts, to conduct a study to determine the most cost-effective means of providing school districts with reimbursement coverage for due process hearings and to identify methods of reducing the frequency and duration of the hearings. This memorial also failed, however, and the issues remain unresolved.

The presentation during the 2006 interim could review the issues raised previously, including the effects of changes in federal and state law that were expected to mitigate some of the problems; explain the options that NMPSIA had suggested, together with any other proposals that have been offered since then; and provide a forum for still other suggestions from interested parties.

Educational Retirement Issues – To address issues surrounding the insolvency of the Educational Retirement Fund that were reported by the Educational Retirement Board (ERB) in the 2004 interim, the 2005 Legislature enacted legislation to increase the employer contribution rate by 0.75 percent over a seven-year period and to increase the employee contribution rate by .075 over a four-year period beginning in FY 06. Since 2005, the Legislature has appropriated approximately \$25.6 million to fund the FY 06 and FY 07 employer contribution rate increase to the Educational Retirement Fund for public school employees and an additional \$10.6 million to fund the employer rate increase for higher education personnel.

To continue monitoring the ERB fund, the LESC could hear a progress report on the solvency of the Educational Retirement Fund, including an actuarial valuation report outlining the fund's unfunded actuarial accrued liability and funding period – that is, the amount of time it will take the pension fund to become fully funded.

Federal Funding for New Mexico Public Schools – A report compiled by the US Budget Service on March 2, 2006 shows that funding for New Mexico for programs identified by the federal government as components of NCLB has decreased by \$8.4 million, from approximately \$282.4 million in federal fiscal year 2004 (school year 2004-2005) to an estimated \$274.0 million for federal fiscal year 2006 (school year 2006-2007). In addition, the report indicates that federal funding for all elementary and secondary level programs, including NCLB programs, has decreased by approximately \$5.1 million, from \$379.6 million in federal fiscal year 2004 to an estimated \$374.5 million in federal fiscal year 2006.

State statute requires PED to provide to the LESC, the LFC, and the Legislative Council Service by November 1 of each year, “a detailed report of all federal funds distributed to the state department of public education in the federal fiscal year ending September 30, one year prior to the date of the report, with a description of the purpose for which the state received the money and a detailed accounting of how the funds were expended.” The presentation could include the required report along with any plans PED has made to compensate for the apparent decrease in federal funds.

Funding Formula Study Task Force: Progress Report – In 2005, LESC-endorsed legislation was enacted to create the Funding Formula Study Task Force, through December 15, 2006, to initiate a comprehensive study of the New Mexico Public School Funding Formula. Since the \$200,000 appropriated by the Legislature to support this study was vetoed, the Legislative Council approved and supported the initial phase of the study, which focused on understanding the historical development and policy decisions of the current Public School Funding Formula. In December 2005, the task force presented its recommendations to the LESC, including legislation to extend the task force and to appropriate \$1.0 million to fund the study in FY 06 through FY 08.

In 2006, legislation endorsed by the LESC was enacted to extend the term of the Funding Formula Study Task Force until December 2007, and \$500,000 was appropriated to the Legislative Council to pay costs associated with the task force and the study, including contracting with an individual or individuals selected by the task force to conduct a formula study. The task force is required to make recommendations to the Legislature and the Governor by December 15, 2007, and a presentation to the LESC is necessary and appropriate.

Funding of School-age Children in Residential Treatment Centers – In the 2005 interim, the committee heard a presentation by PED relating to services being provided by a school district for students with disabilities who have been placed in a residential treatment center (RTC) within a district’s boundaries. The PED presentation identified several issues that need to be resolved, such as the responsibility for provision of services for students who are placed by court order in private, for-profit, or not-for-profit residential treatment centers. Therefore, at PED’s request, the LESC endorsed a joint memorial introduced in the 2006 legislative session requesting that PED examine and resolve issues regarding the reimbursement to school districts for educational services to non-district students placed in certain public or private facilities, including RTCs, and report findings and recommendations to the LESC by October 2006. However, the memorial did not pass.

The presentation to the committee could outline the activities of PED in identifying the number of RTCs currently providing services to children with disabilities statewide, the types of services being provided by school districts and treatment centers, and the district costs. The PED staff could also provide the committee with recommendations for potential statutory changes, if necessary.

Minimum Salaries for School Principals – In 2003, as part of the public school reforms, the Legislature implemented minimum annual salaries for Level 3-B school principals, effective school year 2005-2006. Based on school size, the salary minimums ranged from \$58,000 for principals in schools with 200 or fewer students to \$68,000 for principals in schools with more than 1,000 students. However, concerns among educators and policymakers over tying the salary minimums to the size of the school resulted in the LESC establishing a work group, representative of all stakeholders, to examine current law and to develop recommendations for consideration by the LESC prior to the 2005 legislative session.

In 2005, the LESC endorsed legislation to base the salary minimums for school principals and assistant principals upon a responsibility factor by school level. This legislation did not pass; instead, legislation was enacted to delay the implementation of the minimum salaries until school year 2007-2008. In 2006, the LESC endorsed legislation similar to the failed legislation from 2005, but it did not pass either.

The presentation to the committee could include a presentation by the School Principals' Association, the School Superintendents' Association, and the Coalition of School Administrators outlining their concerns over tying the salary minimums to the size of the school; the feasibility of changing current law to provide the salary minimums based on a responsibility factor by school level; and other alternatives for providing salary minimums for school principals and assistant principals in school year 2007-2008.

New Mexico Public School Insurance Authority – Each year, NMPSIA provides the committee with a report outlining the agency's budget request for the subsequent fiscal year. The budget request includes a summary of anticipated increases in medical/health insurance for public school employees and for property/liability and workers' compensation insurance for school districts. The report also highlights causes of these increases, which in less than a decade have exceeded 1,530 percent (from \$1.3 million for FY 00 to \$21.2 million for FY 07). This information is necessary to assist the LESC in formulating an appropriation recommendation for public school insurance costs. The presentation to the committee will outline NMPSIA's FY 08 budget request.

PED Procedures for Preparation of FY 07 Public School Budgets – Current law requires each local school board to establish the operating budget for the district for the upcoming fiscal year prior to June 20. In turn, PED is required to approve operating budgets for school districts and charter schools on or before July 1 and to provide timely information to the LESC upon request.

For this presentation, PED could discuss the requirements and guidelines provided by PED to school districts and charter schools for the preparation of their FY 07 operating budgets, including requirements in the *General Appropriation Act of 2006* or other legislation that may affect the distribution of the dollars appropriated for the operation of public schools, including the \$2.0 million to the Teacher Professional Development Fund.

FY 07 Public School Budgets/The Uniform Public School Chart of Accounts – Each year, the LESC makes public school support recommendations to the Legislature for New Mexico’s public schools to serve the 30,000 plus students enrolled in traditional public schools and charter schools. In addition, the 2005 and 2006 legislatures appropriated a total of \$722,500 to PED for the implementation of a uniform public school chart of accounts. In testimony to the LESC, PED stated that the uniform public school chart of accounts will be aligned with the guidelines of the National Center for Education Statistics and will provide the state with accurate, consistent, and reliable data to assist in the decision-making process, including the determination of how much funding should be budgeted for direct instruction and how much should be budgeted for other services, such as instructional support.

The presentation could include an overview by PED of the FY 07 public school budgets and related issues, such as implementation of the average raises for all school personnel, the minimum salaries for teachers, the distribution of the fine arts funding, and the status of the implementation of the public school uniform chart of accounts.

PUBLIC SCHOOL PROGRAMS AND STUDENT SERVICES

Education of School-age Children in Other State Agencies – Several state agencies – CYFD, the Corrections Department, the Department of Health, and the Commission for the Blind – employ licensed teachers to provide educational services to school-age children in facilities other than public schools. In response to teacher recruitment and retention concerns of these agencies, the 2006 Legislature appropriated funds to provide those teachers with the same minimum salaries that public school teachers receive under the three-tiered licensure and evaluation system. Questions have arisen whether these teachers, as state employees, are subject to the provisions of NCLB, including the requirement to be “highly qualified” in the core subjects that they teach; whether the students in the state institutions are subject to the New Mexico standards-based assessment; and whether the institutions themselves must make AYP. The presentation could include an examination of these issues.

The Gender Gap in Education – In the state and nation, reports are pointing to a growing gap in educational achievement between males and females. In New Mexico, girls are generally and consistently scoring higher than boys in reading and math on both the National Assessment of Educational Progress (NAEP) and the state standards-based assessments. They are also graduating from high school at a higher rate and, with few exceptions, both enrolling in and earning degrees from postsecondary educational institutions at greater rates than boys.

These circumstances mirror the national picture. Since 1981, females have earned at least half of all bachelor's degrees, and in 2001-2002 women earned approximately 57 percent of all bachelor's and 59 percent of all master's degrees in the United States. While male students as a group still may outperform females on the NAEP test of mathematics and still earn more degrees in certain disciplines, the new gender gap is generating concern and debate in the media and in academe about its possible causes and cures.

A presentation on the gender gap in education could include a discussion of current research regarding factors that contribute to gender-related differences in academic success. The presentation might also explore some of the approaches being tried to address the gender gap, such as changes in curriculum and teaching methodology and separate schools for boys and girls.

High School for the Arts – During the 2006 legislative session, identical bills to enact a *New Mexico School for the Arts Act* were introduced in the House and the Senate; however, neither bill passed. Had the legislation been enacted, a residential high school, the New Mexico School for the Arts, would have been established in Santa Fe “to provide free, publicly funded education and training in grades nine through twelve for exceptional artistically talented students who are residents of New Mexico and who meet the admissions criteria and standards of the school.” As envisioned, the school’s curriculum would have included “an academic program similar to that required of public schools,” as well as education in visual arts, graphic arts, creative writing, dance, music, and theater.

Testimony before the education committees regarding the proposed New Mexico School for the Arts raised a number of issues, including how much establishing and maintaining the facility would cost; how students would be selected; whether there are any conflicts between a selective admissions policy and the New Mexico constitution; and how instructional staff would be licensed. To help answer these and other questions, additional legislation was introduced in both the Senate and the House. As amended in the House, this bill would have appropriated \$500,000 to the LESC for a feasibility study of the creation of a publicly funded statewide residential high school for the arts. Although neither the House nor the Senate bill passed, the chair of the HEC requested LESC, during the 2006 interim, to discuss the feasibility of establishing a statewide, residential high school for the arts.

The presentation could include a detailed description of the proposed high school and its student body as well as recommendations concerning a methodology for determining the feasibility of the project. In addition, the LESC could consider appointing a work group, or requesting staff to establish a work group, comprising representatives from PED and other interested parties, to study the feasibility of establishing a statewide, residential high school for the arts.

The Family and Youth Resource Act and Other Support Programs – Two components of the comprehensive school reforms enacted in 2003 speak directly to family and community involvement in schools. One was the requirement that each school create an

advisory “school council” to assist the school principal with school-based decision making and to involve parents in their children’s education. Another was the *Family and Youth Resource Act* (FYRA), permitting any public school in the state to create a family and youth resource program to serve as an intermediary that assists public school students and their families in accessing social and health care services with the goal of improving student achievement. Since 2004, the Legislature has appropriated a total of approximately \$4.8 million to the Family and Youth Resource Fund for program awards. As required by statute, PED has funded programs at public schools with a high percentage of low-income students in 15 public school districts, and the department has contracted with the Center for Health Promotion and Disease Prevention at the University of New Mexico to evaluate the program.

According to the first program evaluation report, the ENLACE model is one of several approaches that schools are taking to fulfill the purposes of the act. ENLACE (ENGaging LATino Communities in Education) is a comprehensive P-20 collaboration across home, school, and community to improve the retention and college preparation of minority students. When four years of seed funding from a private foundation had been exhausted in 2005, the Legislature continued the program with appropriations for FY 06 and FY 07.

In addition, the 2006 Legislature appropriated \$750,000 to PED for parental training and involvement and a domestic violence curriculum.

A presentation on funding for the *Family and Youth Resource Act* and related programs could include a report of expenditures and evaluations of funds already appropriated; a description of FY 07 plans for new parental training and involvement initiatives; and an explanation by PED of how all of the funding will be used or leveraged to ensure implementation of a consistent and effective parental involvement policy throughout the public school system.

High School Reform: Literacy Instruction at the Middle and Secondary Levels – National research shows that nearly three-quarters of students who are reading below the basic level in 4th grade will never attain average level reading skills, “setting in motion a host of negative social and economic consequences for themselves and their families,” according to the US Department of Education (USDE). Recognizing that reading is an educational keystone, the LESC has heard presentations on early literacy during every interim since 2001 and sponsored successful legislation to provide resources for literacy in early and primary grades.

State and national assessments show, however, that many New Mexico adolescents are still struggling to read above the basic level and that their deficiencies in literacy are still evident at the postsecondary level. According to PED, approximately 11 percent of 8th and 11th grade students scored at the “beginning proficient” level (the lowest of four proficiency levels) on the 2005 New Mexico Standards-based Assessment. On the 2005 NAEP, approximately 38 percent of New Mexico 8th grade students scored “below basic.” According to OEA, 31.1 percent of New Mexico high school graduates who go directly to state postsecondary educational institutions require remedial literacy classes.

Although USDE states that there is little scientifically based research on reading instruction above the early elementary level, The Education Commission of the States (ECS) notes several recent studies that list recommendations for a comprehensive approach to adolescent literacy, including specific instructional strategies and interventions as well as professional development and leadership at the local and state level. A presentation to the LESC regarding literacy instruction at the middle and high school level could include a review of recommendations from current literature, a presentation by PED regarding the department's efforts in this area, and examples of model programs being implemented in New Mexico or elsewhere.

High School Reform: Next-step Plans Evaluation Report – In 2004, the Legislature amended the *Public School Code* to require that, at the end of grades 8 through 11, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until graduation and that, during the senior year and prior to graduation, each student must complete a final next-step plan. Next-step plans must be signed by the student, the student's parent or guardian, and the guidance counselor or other appropriate official charged with coursework planning for the student. The Secretary of Public Education is responsible for establishing accountability standards to ensure that every student has the opportunity to develop a next-step plan; for monitoring compliance with the statutory requirement; for compiling the information necessary to evaluate the success of next-step plans; and for reporting annually, by December 15, to the LESC and the Governor.

A presentation on next-step plans could include a description of the accountability standards and the process to ensure that every student from 8th through 12th grade has the opportunity to develop interim and final next-step plans, a report of PED's evaluation of the success of next-step plans, and a description by a school counselor or principal of how the next-step planning process is integrated into local high school reform efforts.

High School Reform: Tracking Graduation and Dropout Data – The PED report card for 2004-2005 required by the federal NCLB reports that approximately 89 percent of all New Mexico high school students graduated on time in school year 2004-2005, with all subgroups except English language learners surpassing the state's graduation rate goal of 75 percent. However, data from the National Center for Education Statistics show that only 67.4 percent of students who were high school freshmen in school year 1997-1998 graduated on time four years later, as did only 63.1 percent of the next year's freshman class. The discrepancies in these reports result from two different ways of measuring graduation and dropout rates, by event or by cohort. Event graduation rates report the percentage of students enrolled in the fall who complete or graduate the same school year; cohort rates are derived by tracking the percentage of 9th grade students who graduate four years later.

In 2005, the National Governors Association adopted five recommendations regarding how states can develop high-quality, comparable high school graduation measures, the first of which is to "immediately adopt, and begin taking steps to implement, a standard four-year adjusted cohort graduation rate" using a uniform formula nationwide. In New Mexico, the Secretary of Public Education announced that PED would use new tracking procedures to produce more accurate cohort graduation rates beginning with the class of 2008.

As the dimensions of the high school dropout problem become more evident, research explaining its causes and advocating solutions is attracting widespread attention. For example, a recently published survey reports that students themselves frequently cite lack of interest, engagement, or inspiration as their reasons for choosing to drop out. Other research has identified such factors as lack of parental involvement, absenteeism and tardiness beginning at an early age, low levels of literacy, grade retention, and pregnancy. Solutions to the problem include not only truancy and dropout prevention efforts but also dropout recovery efforts that offer programs to encourage dropouts to return to school.

A presentation on high school graduation and dropout rates could include an examination of current New Mexico dropout and graduation rate data and the process that PED will use to produce more accurate data in the future; an overview of current research on the reasons for the high rate of school dropouts; and a report on promising initiatives to keep high school students in school or to recover dropouts, with an in-depth focus on one or two successful approaches that may merit replication.

Mathematics and Science Education Initiatives and Implementation of the Mathematics and Science Bureau – During the 2005 interim, the LESC heard recommendations from New Mexico First on the Mathematics & Science Education Town Hall held in November 2005. The Town Hall focused attention on mathematics and science education needs for the 21st century economy. A central issue was the realization that New Mexico must either increase proficiency of its students in math and science or face having to export jobs and import skills. The Town Hall issued eight recommendations, one of which – to create a unit at PED for science and mathematics – would help implement most of the others. During the 2006 session, the Legislature considered a bill to create a bureau within PED to design and implement a statewide research-based mathematics and science initiative. Although the bill did not pass, the Legislature appropriated \$250,000 to PED for a mathematics and science bureau.

The importance of mathematics and science is also part of the national agenda. New Mexico's two senators, Jeff Bingaman and Pete Domenici, introduced three bills focused on restoring America's leadership in science, mathematics, and engineering. The bills are based on 20 suggestions contained in the report *Rising Above the Gathering Storm*, produced by the National Academy of Science at the request of Senator Bingaman and Senator Lamar Alexander.

The presentation could include a report by PED on the status of the new bureau and the status of math and science education in New Mexico, a report from the New Mexico Partnership on the implementation of the Town Hall's recommendations, and a review of the national initiatives.

Professional Development and New Mexico Standards in Math and Science – In December 2005, PED received notification that New Mexico has received an "A" rating on the science academic standards for primary and secondary schools from the Thomas B. Fordham Foundation, which conducts the nationwide review of academic standards for primary and secondary school science. On the other hand, the test scores on New Mexico's standards-based assessment for school year 2004-2005 show a student proficiency level in math and science below 25 percent. This discrepancy between the

quality of New Mexico's state standards and the performance of its students suggests a need to assist teachers with applying the standards to instruction, an issue that could be addressed through professional development. The presentation could include a review of professional development efforts in New Mexico's public schools to assist teachers with instructional strategies for teaching math and science and with aligning lesson plans and classroom assessments with the state academic standards.

Supplemental Educational Services – Supplemental educational services (SES) consist of tutoring, provided either during after-school hours or the summer, that both state law and the federal NCLB make available at no charge to low-income students in Title I schools that have failed to make AYP for three consecutive years. These services may be offered through public- or private-sector providers approved by PED, and parents are allowed to choose a provider from the state-approved list.

The LESC has heard presentations on SES since the 2003 interim, following the enactment of the requirements for SES in state law. During the presentation and discussion in 2005, the committee became concerned about three SES-related issues in particular: that the 2003 state law had established broader criteria for SES eligibility than required in the federal NCLB, that tutors providing SES are not required to possess any minimum credentials, and that there has been an inconsistent use of pre- and post-tests to determine what gains students were making as a result of SES. Consequently, the LESC endorsed successful legislation in 2006 that addresses these concerns.

The presentation could provide demographic information about students receiving SES, present findings from the latest evaluation of SES providers, and review the effects of amendments to the law made by the 2006 Legislature, including the steps that PED has taken to implement the amendments and an evaluation of student performance.

Roswell-area Early College High School Study, HM 19 – HM 19 requests that Eastern New Mexico University at Roswell and the school districts of Hagerman, Dexter, Lake Arthur, and Loving study the feasibility and effectiveness of an early college high school initiative and report the results of this study to the LESC by September 2006.

Rural Education Revitalization – During the 2005 session, the Legislature considered but did not pass legislation that would have codified a definition of the term “rural” as it applies to school districts in New Mexico. Also unsuccessful was a memorial introduced during the same session requesting that the LESC examine the definitions of the terms “rural school” and “rural school district.” Nonetheless, the LESC included a study of the issue in its 2005 interim workplan.

During the 2005 interim, the LESC heard testimony from the Assistant Secretary for Rural Education, PED, regarding the department's efforts, partly in response to the failed legislation, to craft a state-specific definition of the term “rural.” The Assistant Secretary also stated that the next steps for the Rural Education Bureau included finalizing the rural education definition, implementing the Rural Education Bureau's Action Plan, and initiating statewide deployment of school-led partnerships for community revitalization.

As a result of the ensuing committee discussion regarding the definition of rural as it applies to New Mexico's schools and school districts, the LESC endorsed HJM 4, *Define Rural School and Rural School District*, which was introduced during the 2006 legislative session but did not pass. The memorial requested that the Rural Education and the Indian Education divisions of PED develop New Mexico-specific definitions of "rural school" and "rural school district" and report to the LESC on their progress.

The presentation could include a report on current community revitalization projects, the status of statewide deployment efforts, the condition of rural education in New Mexico, and the bureau's progress in crafting a state-specific definition of the term "rural."

Truancy: Alignment of the *Public School Code* with the *Children's Code* – At least since the 2000 interim, the LESC has been attempting to resolve inconsistencies between the two primary statutes dealing with truancy: the *Compulsory School Attendance Law* in the *Public School Code* and the *Family in Need of Services Act* in the *Children's Code*. After unsuccessful committee-endorsed legislation in 2001, the LESC requested that staff convene a statewide, broadly representative work group to examine the problems and to make recommendations. This effort led to successful LESC-endorsed legislation in 2004 that amended the *Compulsory School Attendance Law* to require local school boards to establish attendance and truancy policies that address such issues as attendance, intervention, definition of terms, and penalties. However, a related memorial calling for alignment of the two statutes noted above did not pass; and CYFD, which is the lead agency for the *Family in Need of Services Act*, has made no recommendations for reconciling that statute with the other one. Therefore, the fundamental inconsistencies remain, despite further amendments to the *Compulsory School Attendance Law* in 2005 to encourage school districts to keep potential truants in school.

This presentation could include a report from CYFD outlining the department's progress in aligning the provisions in the *Family in Need of Services Act* dealing with truancy to the amended *Compulsory School Attendance Law* to strengthen the enforcement of compulsory school attendance in public schools statewide.

Virtual Schools/Rio Rancho Cyber Academy – In 2000 and 2001, the Legislature provided a total of \$1.3 million for the New Mexico Virtual School distance learning opportunities. Although there have been no further legislative appropriations for the project since that time, in the past five years New Mexico has seen a number of other state and federally funded initiatives make online high school level coursework available, particularly in Rio Rancho and in rural New Mexico. In the 2006 session, for example, the Legislature appropriated funds to the Cyber Academy for Rio Rancho High School. In addition, the Legislature considered five other pieces of legislation related to distance learning, but none of these measures passed.

The ECS reports that a variety of models exist for programs that deliver instruction via a website that are not limited by geographic boundaries or daily schedules and that can provide additional options to serve students in remote areas. However, ECS also notes that these delivery methodologies rely heavily on self-motivated students or strong

parental involvement and that they raise new governance and school finance issues, particularly where small rural school districts suddenly enroll thousands of new students from an unlimited catchment area.

A presentation regarding virtual schools could include a synopsis of the current research on distance learning from ECS and other national sources; a discussion of the policy issues – quality assurance, governance, infrastructure needs, and start-up and ongoing funding – that must be addressed if New Mexico is to utilize distance learning fully as an educational delivery model; and a report by the Rio Rancho Cyber Academy about its program, including successes and challenges.